

REMARKS

Drawings

Replacement Sheet 5 replaces originally submitted Sheet 5, which contains Fig. 5. Replacement Sheet 5, which is attached hereto, has been amended to include depiction of two disclosed alternate mechanisms for vertically raising and lowering the liftable frame 4. A hydraulic cylinder 103 and partially extended piston 104 engaging a transverse beam 4 have been added to this Replacement Sheet 5. These elements were fully disclosed in the specification in paragraph [0017]. Also added to Replacement Sheet 5 are pinions 106 and racks 105 as alternative mechanisms for vertically raising and lowering the liftable frame 4. These elements were fully disclosed in the specification in paragraph [0019]. These changes are explained in replacement paragraph [0047] attached hereto and contain no new matter.

Replacement Sheet 5 is in compliance with 37 CFR 1.84.

Specification

Replacement Paragraph [0047] replaces originally submitted paragraph [0047]. The sentences added to replacement paragraph [0047] explain the changes made in replacement drawing sheet 5 as described above. The language pertaining to a hydraulic cylinder and piston assembly with cylinder 103 and partially extended piston 104 is fully supported in original paragraph [0017] and the language pertaining to a rack and pinion system showing at least one pinion 106 engaging a rack 105 is fully supported in original paragraph [0019]. These changes to the specification contain no new matter and are made in support of new claims 26-29 as more fully discussed below.

Election/Restrictions

Restriction to Invention I, claims 1-17, or Invention II, claims 18-25, for examination purposes was proposed to Applicants' counsel, Juan Lizarraga, by the Examiner during a telephone conference on December 20, 2005. During that telephone conference, the election was made without traverse to prosecute the invention of Group I, claims 1-17. Applicants affirm that election and, in the listing of claims contained herein this Amendment, claims 18-25 have been noted as "restricted". In the Office Action, the Examiner has noted that claims 18-25 are withdrawn from consideration.

Claim Rejections

In the Office Action, the Examiner noted that claims 1-25 are pending in the application and claims 18-25 are withdrawn from consideration. The Examiner noted that claims 1, 2, 7, 8, 12, 13 and 17 are rejected and claims 3-6, 9-11 and 14-16 are objected to. By this Amendment, claims 1, 2, 7, 8, 12, 13 and 17 are withdrawn and claims 3-6, 9-11 and 14-16 have been amended to overcome Examiner's objections. In addition, Applicants have added new claims 26-29, which are fully supported in the specification as more fully explained below.

35 USC § 102

The Examiner rejected claims 1, 7 and 12 under 35 USC § 102(b) as being clearly anticipated by JP405125848A to Maeda et al. In response, Applicants have withdrawn claims 1, 7 and 12.

35 USC § 103

The Examiner rejected claim 17 under 35 USC § 103(a) as being unpatentable over JP405125848A to Maeda et al. In response, Applicants have withdrawn claim 17.

The Examiner rejected claims 2, 8 and 13 under 35 USC § 103(a) as being unpatentable over JP405125848A to Maeda et al. in view of JP403192084A to Yamamoto et al. In response, Applicants have withdrawn claims 2, 8 and 13.

Allowable Subject Matter

The Examiner objected to claims 3-6, 9-11 and 14-16 as being dependent upon a rejected base claim, but noted that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended the subject claims as follows:

Claim 3 has been amended to include all of the limitations of withdrawn base claim 1, and Claim 4 has been amended to depend on amended Claim 3 and also include the limitations of withdrawn claim 2. Claim 4 has also been amended to include the word “shaft” which was inadvertently omitted from the original.

Claim 5 has not been amended because it depends on claim 3, which has been amended. Likewise, Claim 6 has not been amended because it depends on claim 4, which has been amended.

Claim 9 has been amended to depend on amended claim 4 and also include the limitations of both withdrawn claim 7 and claim 8.

Claim 10 has been amended to include the word “shaft” which was inadvertently omitted from the original but otherwise has not been amended because it depends on claim 9, which has been amended. Likewise, claim 11 has not been amended because it depends on claim 10, which depends on amended claim 9.

Claim 14 has been amended to depend on amended claim 9, and also include the limitations of withdrawn claim 12.

Claim 15 has been amended to include the word “shaft” which was inadvertently omitted from the original but otherwise has not been amended because it depends on claim 14, which has been amended. Likewise, Claim 16 has not been amended because it depends on claim 15, which has not been amended, but depends on amended claim 14.

Applicants respectfully request that claims 3-6, 9-11 and 14-16 be allowed.

New Claims 26-29

Applicant has added new claims 26-29 to cover alternate embodiments of the mechanism for vertically raising and lowering the liftable frame through the opening in the floor as fully disclosed in paragraphs [0017] and [0019]. These embodiments have been depicted in replacement drawing sheet 5, attached hereto, with explanation given in replacement specification paragraph [0047] included above in this Amendment.

With rejection of claim 1, now withdrawn, Applicant’s claims were now limited to only one embodiment of the mechanism for vertically raising and lowering the liftable frame through the opening in the floor. This embodiment is now defined in amended claim 3 to comprise “a motor driving a roller chain and sprocket assembly, . . .” Rejected Claim 1, now withdrawn included “a mechanism for vertically raising and lowering the liftable frame through the opening in the floor.” This claim encompassed more than one embodiment of such a mechanism, of which Applicant disclosed several in paragraphs [0016] through [0019]

Claim 3, now amended, was noted to be allowable if rewritten in independent form including all of the limitations of the base claim 1, now withdrawn. The limitations of withdrawn claim 1 are now a part of amended claim 3 which limits the mechanism for vertically raising and lowering the liftable frame through the opening in the floor to

further comprise a motor driving a roller chain and sprocket assembly. Applicants would suggest that they be allowed to add claims 26-29 which include the limitations of now rejected and withdrawn base claim 1, but which limit the mechanism for vertically raising and lowering the liftable frame through the opening in the floor to two additional embodiments fully disclosed in paragraphs [0017] and [0019].

New claim 26 includes all the limitations of rejected base claim 1, now withdrawn, and wherein the mechanism for vertically raising and lowering the liftable frame through the opening in the floor further comprises at least one hydraulic cylinder and piston assembly activated by hydraulic fluid energized by at least one motor drive pump. This embodiment is disclosed in paragraph [0017]. New claim 27 depends on new claim 26 and includes all of the limitations of amended claim 9.

New claim 28 includes all the limitations of rejected base claim 1, now withdrawn, and wherein the mechanism for vertically raising and lowering the liftable frame through the opening in the floor further comprises at least one rack and pinion elevating system with a pinion driven by at least one motor driven electrically, hydraulically or pneumatically. This embodiment is disclosed in paragraph [0019]. New claim 29 depends on new claim 28 and includes all of the limitations of amended claim 9.

Applicants respectfully request that new claims 26-29 be allowed.

Conclusion

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance and that action is earnestly solicited.

Respectfully submitted,

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